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684 682 When the abortion is provoked by the woman when she is in an advanced stage of pregnancy, the husband demands compensation payment, and the act is considered a homicide.

684 838 An offense of a very grave character for an individual and his relatives is the attempt made by a homosexual to abuse him. Generally, this aggressive act is directed against defenseless young boys, who can be physically forced to submit. Their relatives demand compensation payment, not only for the physical molestation suffered by their relative but for the psychological and social significance of the offense, which completely devolves on them.

684 839 Exhibitionism of a sexual type is considered a punishable act because it entails an offense against the modesty of those present, and if /191/ the spectator is a person of high standing, it implies moreover a grave offense to his high status which demands respect from others; in this case the payment is greater and may cause strong reprisals to be taken against the offender's relatives. These offenses may refer to homosexual practices, suggestions or representations real or imaginary of copulation, or exhibition of the genital organs. Both sexes may undress in 515 831 public without the spectators feeling offended, as happens at the public baths, where the women bathe without concern, taking care to cross their legs. The man holds the penis to his waist in a way that his hairiness covers him and so does not offend the modesty of the bystanders.

684 Other aspects which have to be taken into consideration are the offenses that the woman can inflict on the man during married life. Let us remember that Guajiro women, even to this day, are bought without their wishes being taken into account, and that those who cannot avoid this marriage -- by means of suicide, flight, or breaking with the community -- may refuse to cohabit with the husband imposed on them or to satisfy his sexual desires. The man then abandons such a woman or demands compensation payment for the pain her attitude has caused him and refuses to resume his position as

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husband until this payment has been made. It is very common for the man not to make any demand for money for the hurt inflicted but to try to revenge himself by his future attitude. The Goajiro women say that a woman once initiated into sexual life acquires the need for repetition of the act. Then the man refuses to satisfy her, does not frequent the home, and does not give the slightest sign of his affection. The woman is in fact abandoned and yet in the situation of a married woman without a husband, with the obligations inherent in marriage and none of its rights.

Another aspect considered as an aggressive act is the fraud entailed when a man discovers that the woman he has married is not a virgin (See Valuation of virginity in the chapter, Pre-marital Considerations).

As homosexuality is very much disapproved of in the culture and regarded as almost an enforced degeneration of the young slaves, whoever practices it draws on himself the contempt and scorn of society, and his status is compared to that of those outside society. It is the custom, when two groups are at enmity, to hurl an insult which must result in a decision by arms. This insult consists in telling the enemy that their men would not even serve as women for their opponents. The hidden aim is to avoid legal proceedings and to start a war without quarter, in which they hope to obtain more advantages than by peaceful and orderly negotiation. /192/

The most serious aggressive act is homicide. No attenuating circumstances are taken into account, not even that the killing was involuntary or done in self-defense, since the Goajiro solely considers the act itself: An individual took the life of another and serves punishment.

Let us consider some aspects of this type of aggression.

1. Voluntary homicide, that is, one person killing another consciously and deliberately.

2. Involuntary homicide, that is, one person killing another without intending to execute an aggressive act, such as

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682 when a shot hits a person during hunting, or when a shot is fired accidentally at the moment the owner or someone else is cleaning a gun and in this way kills another, etc. Included in these cases we must note one that occurs very frequently when a man lends a gun. If an accident occurs which results in the death of a third person, that is, a homicide, the owner of the gun must help the man who caused the accident to pay for the death. If it is used to commit suicide, again it is the owner of the gun who must pay. For this reason the material objects that a person uses for [692] killing himself are punished. As the general custom is to hang oneself, the beam and the rope are burned at such a time; and if the act was done inside a dwelling, it is also burned, although in this case for another reason connected now with magic. In summary, then, we can say that homicide is considered as such without any excuses for those who commit it, directly or indirectly.

• • •

682 Suicide brings punishment on the person who has provoked it,
762 directly or indirectly. Very frequently young men commit suicide when their father, mother, or other relatives reprimand them or do not satisfy some whim. And girls do the same when they are sold in marriage by their uterine relatives without taking their wishes into account.

In this case those who gave cause for the suicide are held responsible. If it was the mother or some relative of hers, the father of the suicide demands compensation payment, or if the reverse -- if it was the father -- the mother with her relatives do the same. /193/

If a man should commit suicide because of unrequited love, when for example he asks to buy a girl and her relatives will not let him have her as his wife or she refuses his amorous attentions and in consequence he commits suicide, the claim for compensation payment for his death is made against the maternal relatives of the girl or against whoever refused to let him buy her.

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682 762 As the most important function of a wife is to take care of her husband, particularly his health, she must answer for it to his maternal relatives, if for some reason he commits suicide; she is considered guilty of his death, as well as guilty of not having been at his side to prevent it. We have information of men who committed suicide while they were drunk and their wives were absent for some very well-justified reason, and the husbands' maternal relatives made the wives responsible for their deaths because they said that it was their first and most important duty to avoid these tragedies by watching their husbands every moment while they were drunk.

If ill-treatment by the husband or other act for which he is responsible provokes his wife's suicide, her relatives present a claim for compensation payment against him as guilty of her death.

Anyone who by a slight, a joke, or an offense drives someone else to commit suicide is made responsible for the death and for this reason must pay for the criminal act.

Attempted suicide is also punished; the maternal relatives demand from the person who made the attempt an adequate indemnity for having broken a law, because he has no right to spill his own blood, the bond common to the other members, nor to dispose of his life, which belongs to the consanguineous group, nor to cause the group the pain of his death.

682 Guajiro law considers the uterine relatives of the expectant mother responsible for the life of the child about to be born, and if the child dies they are made responsible and must pay the husband, if the cause of the death was a wrong movement made by the mother during the delivery, or noncompliance with the midwife's instructions, etc. But if the child is the first child, who must be born in the home of the expectant mother's maternal relatives, and the father has not taken her there and the woman does not receive adequate attention and the baby dies, the blame is placed on the husband, who must pay for the death of his son to his wife's maternal relatives.

If a child dies while the father is absent, and the mother has not complied with her obligation to give him immediate news

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of the child's illness, he may demand a compensation payment as though she had been to blame for the child's death. /194/

When a woman dies in childbirth, her maternal relatives demand compensation payment from the husband.

When the death of an individual is caused by the infidelity of one of his wives, that is, when the husband kills her lover because he has discovered her committing the delict of adultery, or simply because he suspects it, the dead man's family demand compensation payment for homicide from the husband's family, in spite of the fact that he isbacked by popular opinion since it is considered a sign of manliness to kill one's wife's lover. Apart from this demand, they may make a socond one for compensation payment, this time from the aduiterous woman's relatives as they consider her to have been the cause of the tragedy.

When both husband and rival perish in the struggle, which sometimes happens, the richer and more important family demands compensation payment, even though they are the lover's family and in spite of the fact that his death is considered justified by Guajiro legal conscience; his relatives allege that the maternal relatives of the husband must pay because they are not their economic and social equals. In this way the principle of justice which inspires all Guajiro law is satisfied; the law favors the litigant group of relatives which has the higher status. The payment the woman has to make is twofold: to the maternal relatives of the lover and to those of the husband, since she is responsible for the whole affair.

When the husband kills the lover in a fight which originated from the wife's adultery, the husband is made to pay for the death, especially if the dead man's consanguineous relatives belong to a group of superior status. They legalize their claim for compensation payment by saying: "What right has this man who has nothing to pay us with to put his hands on our relative, to spill his blood, taking away his life and separating his spirit? What does it matter that he did it in defending his right to his wife whom he bought for himself, if he has nothing to pay us with?" In this case the family group of the dead man, without any negotiations whatever, takes justice into its own hands, razing, destroying, and

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taking for itself everything it can lay hands on, unless some alliance of relatives reinforces the unprotected position of the husband's group and obliges the others to follow legal proceedings.

If a Guajiro, man or woman, dies suddenly in a house where he has sought temporary hospitality, the woman who is head of that house must pay for his death to the dead man's maternal relatives, who, considering her culpable, demand compensation payment. A case is known in Upper La Guajira of an individual who, having helped in the communal work of seed sowing, drank a great quantity of chicha made from wild yucca /yuca brava/ given to him by the owners of the field. He started off for home late in the afternoon in an advanced state of drunkenness. As it was getting late, he asked for hospitality /135/ in the first house that he passed on the road. To comply with the laws of hospitality, they took him in, hung up a hammock in the enramada /shelter of boughs/ so that he could go to bed and spend the night. They gave him nothing to drink. The next day they found him dead. It is very probable that the chicha of wild yucca had not been sufficiently cooked and for that reason had not lost its toxic nature, and this had killed him. Nevertheless, because he died in the house where they had hospitably taken him in, the owners of the house were held liable to his maternal relatives for his death.

This application of the law makes the Guajiro very solicitous of those who ask for hospitality and also obliges him to do his utmost if his guest becomes ill, to attend to him, and to report the news at the earliest possible moment to his relatives so that they can come and see him and thus free the host from the responsibility for his death.

Guajiro law considers the head of the house as author of, and the one responsible for, the death when he gives the participants in a communal piece of work insufficiently cooked chicha made of wild yucca which intoxicates and kills any of them. This covers any food or drink believed to cause the death of anyone.

Here we must add the delict of causing the death of another by spreading a disease. We have the case of a native woman from

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682 Upper La Guajira who arrived in Uribia suffering from measles and asked for hospitality in the house of a friend of hers of the well-to-do class. This friend, the owner of the house, could not deny her request and as a result caught the measles and died. The family of the dead woman demanded a very high compensation payment from the woman who brought the disease.

One must also consider the homicide caused, according to the Guajiro mentality by the breaking of a taboo. The Guajiro woman during her periods of pregnancy and menstruation, the murderer, and the participants in funeral rites are at all times bearers of a malignant magic power that can infect, hurt, or kill young children and people seriously ill. If one of these tabooed people presents himself at a house where there is one of those liable to this evil influence, and this person dies within a period such that it can be presumed that the death was the result of the transgression of the taboo, his maternal relatives declare the tabooed person guilty of the death or illness of the child when this occurs, or of the seriousness of the sickness in question.

682 When a Guajiro's death is caused by a white, that is, by an 648 individual who does not belong to the community, the idea of blame is governed by the norms just set forth. At the present time they generally submit /196/ to Guajiro law as the punitive form, but customarily in the peninsula, one of these deaths is paid for by the death of three civilizados /westerners/, since many Indians still believe that every civilizado is part of a homogeneous consanguineous family group. Others know this is not so, but nevertheless the death of an Indian by a white gives rise to strong reprisals and even to the death of the white man. If the murderer remains in the peninsula territory or near it, it is almost certain that he will be killed magically by some relative of the murdered man, who will wait, although already well paid, for some suitable occasion to kill him.

685 Other kinds of aggressive acts are those involved in the theft of food, livestock, and personal belongings.

The first two are the most common in the peninsula, to the point that some authors and travelers have considered theft to be

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681 614 It is with this understanding that the distribution of animals is made on such an occasion, and with it, payment is made for the pain received for any offense. On the day that such a payment is to be made, all the friends of the beneficiary arrive, reminding him of, and drawing his attention to, the information they gave him and the pain that the offense has given them. At this time the services already given to the group in the past are evaluated and possible future aid is taken into consideration. The totality of various attitudes observed at this moment is known to the Guajiro by the name of jurijonear, which means "to be present at a distribution in order to obtain for any reason some part of it."

In Guajiro law there exists one aspect which we must consider: when the clan group does not accept joint responsibility for an infraction against the regime for social stability by one of its members.

One of the cases when the coercive action of the whole clan is /199/ shown is when an individual commits a delict of such a nature that it provokes in his own consanguineous relatives the reaction of considering him to be outside the collectivity, which signifies in fact that he is also outside Guajiro society. This was the case of the Kunina, marginal outlaws, who were slowly extinguished by all the other clan groups, who made common cause against them. They were individuals turned out of the clan organization by their own consanguineous relatives because of violations against the culture's regimen for social stability.

681 682 614 With respect to the breaking of the regimen for social stability by homicide, it is necessary to note the individual expiation that the violator is obliged to carry out. The offender submits himself voluntarily to a special regimen (1) the object of which is to make

1. Pineda Giraldo, Roberto. Aspectos de la Magia en la Guajira, Revista del Instituto Etnológico Nacional, Vol. III, Part 1, 1947. Bogotá, 1950. Pages 82 and following.

/199 cont./

681 614 682 amends to a certain extent for the wrong both before his own conscience and the opinion of his kin; the Guajiro murderer tries by means of this expiation to avoid being again involved in an act the consequences of which have already fallen so heavily on his kin; to free himself in some way from the social coaction which his act has provoked; and most particularly to placate the dead man's spirit which from the moment of his death has followed him everywhere, crying for satisfaction and helping in the punishment of the offender. The Guajiro murderer believes so fully that he is pursued by the spirit of the murdered person that in those cases in which the author of the crime is not known, the guilty man, obsessed by such a belief, especially when he is sick, confesses his crime publicly and submits to the legal prescriptions which envelop both him and his kin.

After this regimen of expiation, the Guajiro murderer must bear the social coaction which forms all around him, expressed especially by the isolation which is imposed on him. Certain aspects of magic are connected with the murderer which oblige him to keep on the margin of society; for instance, he cannot visit sick people because he will make them worse, nor homes where there are children because they will become sick at his presence; wherever he goes he will carry with him the infuriated spirit of the dead man, which produces these evil results.

His social status goes down as an immediate consequence, and his economic position suffers considerably, because the delict of blood prohibits him from freely and efficiently exercising the productive activities which he used to perform, besides condemning him to live in exile for many long years. /page 200 is blank/

[45 cont.]
quite high, which also gives us an idea of their value in the opinion of the Indians since they considered that the fact of their points being impregnated with the blood of the sacrificed child made them both more poisonous and more accurate.

The body of the boy, who had to be between four and six years old, was brought by the father to the hamlet after these magic operations were finished and was buried in the clan cemetery. The burial and the death of the child were secrets. Nobody must know about it. We could not discover if the secret nature of the ceremony was due to the fact that the community might punish the murderer, the mother or maternal aunt, or some member of the child's family on the maternal side, collecting the corresponding sum for his death in accord [46] with customary Guajiro law, or if the reason was that secrecy strengthened the malevolent qualities of the poison on the arrows. It is to be presumed that the latter hypothesis is the more acceptable, since the disappearance of the child and the sale of magic arrows by the father would point him out as the author of the sacrifice.

In any case we cannot overlook the aspects of blood in the child sacrifice just mentioned. Spilling blood is one of the crimes most severely punished. Blood, according to everything one can deduce, has great value for the natives, as it is considered an integral part of their human personality, even to confounding it, so to speak, with personality itself, as they do in the case of names. Hence, for the same reason, he who voluntarily or involuntarily sheds the blood of another person is stigmatized and becomes an outcast from society. He becomes unclean, and in consequence has to make the corresponding reparation which at the present time is complied with by paying to the offended party or to his family a determined quantity of valuable objects or animals. For this same reason, arrows contaminated with the blood of the child sacrificed by his father have, or ought to have, according to the Guajiro mentality, an incalculable value due to their participation in the sacrifice and spilling of blood, thanks to its presence on their points. Moreover, if we take into account what the dead man means to the Guajiro as a spirit capable of doing harm

[47 cont.]
character of the inhabitants of Jarara; and second, the complete disappearance (according to all sources) of the Koshia Indians in the last 20 to 25 years for various reasons. In other words, the arrows which may still exist but of which we could not obtain a sample are those preserved by the aged Indians of Jarara, purchased from the makers in times past.

Sacrifice to forestall the effects of dreams. In the Guajiro mentality dreams are considered to be revelations of the future, coming from a benign spirit who seeks in this way to show his protection to a certain person. When the shaman himself has the revealing dreams then these acquire greater importance, as we have already seen. For the same reason, when one of these shamans has a special dream, he informs the interested party and adds to it the necessary instructions or special ceremonies that he should arrange in order to counteract the prognostication. If such ceremonies are not carried out or are not totally complied with, the dream will become converted to reality. The Guajiro has immense faith in dreams, particularly in those of shamans, and very few persons will leave themselves open to suffer the consequences of the nonfulfillment of the rituals indicated, as experience, according to them, has [48] shown that noncompliance with the indications of the shamans has resulted in many deaths and disasters when the events foretold have taken place.

As the aspect of dreams is treated in a special section, we will here only refer to the theme which interests us and which is related to sacrifices. In this respect we quote the narrative of one of our informants.

This occurred in Jarara. A woman shaman dreamed that a member of the Pushaina family clan was threatened with a fatal tragedy: he would die by the hand of one of his own family group. The shaman immediately informed him of it and ordered him, in order to avert the danger, to organize a fiesta of horse racing and, above all, to sacrifice a black male goat and to bathe himself in its blood. The Indian did not want to carry out the shaman's instructions, and within a short time he was killed by a member of his own group of inferior economic standing. The reprisals taken against the

[68 cont.]

murderer's family after the crime were extremely cruel, as was to be expected given the Guajiro social organization. Their homes were burned down, their sources of water supply demolished, three men and four women were killed, and their children enslaved.

The interesting part of the subject we are now dealing with lies in the sacrifice of animals. These apparently serve as substitutes for the individuals whose sentence has been revealed in a dream. They take their place and are sacrificed in their stead. As a death has taken place, the evil spirit which had enslaved the future criminal in order to carry out its determination to harm him is now nullified by this act of propitiation. Moreover, as the animal (the black male goat in this case) shares the qualities of its owner by reason of such ownership, a part of the personality of the person sentenced to be punished in the dream is also sacrificed. The individual thus suffers two processes, death in part through the sacrifice of the animal and participation in the sacrifice by bathing in its blood.

Possible vestiges of this native belief still persist in Colombian folklore in some parts of the departments of Antioquia, Boyacá, Nariño, and Santander. There the people hold the belief that when a domestic animal dies, especially if it is an animal that has been much loved by the people of the house, it is a sign that some member of the household had been about to die. The sentence of death which lay on that person, according to the explanation given in all cases, was transferred to the animal by a special concession from God, [68] thus avoiding a greater calamity to the family. In Nariño this belief, according to information from the Licenciado Chaves, appears in popular oral literature. There is in reality a story which tells of a recently married couple who felt or knew (we cannot say how) that they would die very shortly. To avoid this, the wife dedicated herself to breeding coyes (curíes [cavellito de Indias, a mammal of the order of rodents], which one by one died off. Then she harnessed to breed chickens, which also successively died. She then devoted herself to dogs, which also died. With the successive deaths of the animals, they were able to elude their own fate and lived happily together for a long time, free

[77 cont.]

762 inflicted on the objects which were the principal active agents
768 in carrying out his fatal determination. As the form of suicide
672 that is practiced in La Guajira is almost exclusively that of hanging, they proceed to burn the branch on which the individual hanged himself and the rope which he used, because, they say, these were the direct causes of his death.

With respect to the punishment carried out on the objects
682 (inanimate to us) which served for the carrying out of suicide,
672 several suggestions may be made. In one case, the "compensation payment for blood" may be recalled, the established customary law of this community by means of which whatever spilling of blood that may be caused in any person, voluntary or involuntary, directly or indirectly, has to be paid for in accord-
[682] ance with a valuation decreed by the so-called "arbitrators," or "palabras," who are nothing more than intermediaries named by the family groups affected to settle the affair peacefully. This payment is considerable when the blood spilling ends in the victim's death. Should the murderer refuse to pay the sum ar-
682 ranged for (whether in livestock, necklaces, precious stones,
628 etc.), then the members of the victim's family group take vengeance on him personally and kill him. All this naturally ends in war to the death, or putchi, between the two extended family groups, an occurrence which is extremely frequent in La
682 Guajira. Hence as "compensation payment for blood" cannot
762 be claimed, from these objects (the tree and the rope), they are
672 punished in default by destruction by fire. This hypothesis is reinforced, if we remember that to the Guajiro Indian, as well as
[774] to most primitives, objects -- which to us are not alive -- are
778 able to exercise both good and bad influences on the individual (Cf. "Sickness and Medicine" and "Amulets, Fetishes, Talismans"), because they possess a spirit -- a kind of mana, or immaterial force, which surrounds and animates everything.

Another suggestion that could be made with respect to the
762 destruction of the objects used by a suicide is the following: As
783 these articles were in direct contact with the dead man, and particularly with a corpse as dangerous as a suicide is, it is necesary that they be destroyed so that the contamination

[81 cont.]

individual is not capable of distinguishing between the merely fictitious, the imaginary and the real. To him, the image so faithfully rebuilt in his imagination is as real as the living image of the deceased. The explanation of the phenomenon, then, according to his mentality, is that the dead man has appeared before him for some reason or other.

This fact is complicated in addition by the belief that every dead person "retraces his steps," that is, he treads again all the paths he traveled during his life; he returns to places where he had been at different times; this is why he is "felt" very often. Many times the individual feels the presence of the dead, even if he does not see it. This Guajiro belief is also found to be very prevalent in all Colombian folklore. The phenomenon that the Colombian people call "retracing his steps" corresponds exactly to the Guajiro version which we have just transcribed. Of course, according to popular legends, the dead "retrace their steps" when they are dying or a few moments or even days before their death. To hear strange noises without apparent logical explanation, to see shadows, etc., are for the people evident signs that one of their relatives or friends, or even some person who in the past has lived in these parts, is dying or will die from one moment to the next. For the same reason they avoid walking alone along certain places when they know that someone who has lived there is close to death's door.

Degrees of danger in spirits. The Guajiro murderer suffers a double punishment: first, the claim for compensation payment for blood presented by the dead man's relatives, which involves his own death if he does not pay the sum agreed on; and second, the constant presence of the dead man's spirit, which never leaves him. For this reason, the murderer cannot enter a home where there are small children because the spirit of the dead man follows him, will climb over them, squeeze them, and make them cry. If the children are sick, the murderer's presence is even more dangerous because the spirit will rapidly cause their death. If they are well they usually become ill. [82]

The death of a fellow being becomes a tremendous obsession with the Guajiro; the murderer is convinced that the dead man's spirit follows him everywhere. When he is ill he has

[82 cont.]

682 nightmares and dreams, possibly in the delirium of fever, so
975 that the spirit creeps around him and painfully crushes his chest.
853 It pursues him insistently, which provokes a grave crisis in ill-
ness. The spirit then takes advantage of his weak state to aggra-
vate his sickness. Self-confession is one of the most important
social consequences of this state of mind as, due to the obsession
682 with the presence of the spirit, every time a murderer has been
626 able to conceal the secret of the murder and in consequence has
so far escaped the compensation payment for blood, he loses his
equanimity during sickness and will then talk freely about his
crime. In the delirium of fever, haunted by the anguish caused
by the supposed weight of the spirit of the murdered man on his
chest, he raves about all the details of his crime. This confes-
sion, according to his belief, does bring him some relief as in a
certain manner it admits the dead man's vengeance and in con-
sequence it gives some peace to the criminal as well as rest to
the offended spirit.

975 The spirits of those who have died violent deaths fall, so
to speak, within a class of more highly dangerous spirits than
those that die from natural causes. They represent, we should
say, the middle point between these latter spirits and those of
[964] suicides. This is certain to such a point that the house in which
a native has been killed is immediately vacated, because his
spirit will live in that house and it will only leave it on occasions
when it goes to torment the murderer. A Guajiro Indian will
never pass by the place between sunset and dawn because he is
convinced that every detail of the scene of the tragedy is con-
tinually being repeated in that place; the insults are heard again,
the shots or whir of arrows, the sighs and groans of agony, just
as were heard on the day of the tragedy. In addition the spirit
appears in the shape of a flame that pursues whoever may be
near the house; or it may also appear in the form of any animal
whatsoever, a bird, for example.

But the highest degree of danger occurs when the spirit of
the murdered Indian is face to face with his murderer. This is a
wounded spirit and full of desire for vengeance to such a point
that the family of the murderer, after having fulfilled the

[82 cont.]

formalities agreed upon with the victim's family, find that it imposes on them a sort of punishment, a rhythm of life totally different from that to which they were normally accustomed and which can be interpreted in two ways: (a) as a purification rite; (b) as a change of personality, in order to avoid the mortifying presence of the spirit face to face with the murderer. [83] To us the second interpretation appears clearer and more acceptable as we do not know of any other rites of purification in La Guajira which can show reason for the first assumption.

A repentant murderer, according to the statement collected by our colleague and expedition companion, Licenciate Milcíades Chávez Ch., is punished by his own will as well as by the decision of his family through norms imposed by his uncles and aunts. He voluntarily submits to them so as not to commit a second time the same delict which constituted his own ruin and that of his family, who like himself are liable to become victims of the retaliation of the murdered man's relatives in revenge for the murder. This punishment is executed in the following way:

1) The murderer must spend five or six days hiding in the selva or some distant mountain.

2) He must take no solid food. He is only allowed to take hot drinks or very thin masamorra (corn chicha), and water.

3) He must not speak to anyone and must be on the alert all the time, with his rifle ready to defend himself from his enemies.

4) He must disguise himself: cut his hair, wear special belts and fringes, and wear a robe, black in color. (This robe is so small and short that it barely covers the top part of his body.)

5) In the forest he must sleep on the ground at night. Above all, he should not sleep face upward because the soul of his victim may climb into his mouth and press on his chest, even to the extent of killing him by asphyxia. He may only return to his home for a short time to rest in a hammock, but this must be so small that he cannot lie comfortably on it, and due to this inconvenience he is unable to sleep for long.

6) He must eat and sleep very little and be continually alert, having for his only companion a dog, whose senses will warn him of the approach of danger.

[83 cont.]
warn him of the approach of danger.

7) He must abstain from all business and renounce friendships for some years, avoid social gatherings, especially those of a festive or drinking type.

8) In the case that the two family groups -- that of the murderer and that of his victim -- do not come to an agreement he, the murderer, must leave the country of his own free will and go to some distant place.

If the murderer should not comply with the requisites indicated, he can be certain that the spirit of his victim will deliver him defenseless into [84] the hands of his enemies, who will immediately kill him to satisfy their vengeance.

We can clearly see two essential things that stand out from these facts: (a) that the murderer, by the social crime he has committed, places himself automatically in the condition of an outcast, one impure, or more correctly, a contaminated, dangerous being. For this reason he becomes an individual who must be set apart from the community. (b) The murderer's family, at the same time that it provides him with the means for going away, carrying out one of its main functions, mutual assistance among its members, takes care that the outcast does not fall an easy prey to his victim's spirit. His retirement from his habitual haunts, from his acquaintances, and particularly from his own relatives; his disguise by cutting his hair and wearing certain articles of clothing; his not sleeping in a hammock; his avoiding his face being seen (sleeping face down); his not mixing with friends in business and in social gatherings; and finally, his going away a long distance from his clan, all demonstrate clearly to us that what the murderer is endeavoring to do -- consciously or unconsciously -- is to effect a total change of personality, we should almost say that he tries to convert himself into another hypothetical person, unrecognizable especially to the spirit of the person he has killed, to avoid its discovering him and taking its revenge on his body.

The clearest demonstration that the change of personality is made to mislead the murdered man is the fact that only when it is found impossible to reach an agreement between the two

[84 cont.]

682 775 family groups — that of the murderer and that of the victim — is it considered necessary for the murderer to flee to distant parts to avoid the vengeance of his enemies falling on him. We have here, then, a repetition, different in form but essentially the same, of a disguise to avoid the presence of the spirits, [171] which the Witoto practice either in the father, the mother, or the child, with the object of protecting the child from the malevolent action of the spirits (Cf. "Sickness and Medicine").

787 769 Presence of the dead in dreams. The dead person can also reappear through the medium of dreams. He is then as real, as alive, to the Indian [illegible] in his apparition during the day or night in a corporeal or other form, such as we have shown throughout this chapter. For this reason, when an Indian dreams of one of his dead relatives on any occasion, he believes that this relative is in need of something in his other world and requires [85] special help from his relatives. He therefore assembles the dead man's closest relatives, and they all go as soon as possible to the grave of the person who appeared in the dream and take a little food with them. After some time passed in lamentation over the tomb, they unwrap the meat expressly taken there for the occasion and seat themselves on the grave, prepared to eat, saying as they begin eating, "Come then, let us all eat together." To avoid the appearance of spirits through dreams, it is a general custom to visit the graves of the dead at times of full moon [luna clara], at night, and on the anniversary of the person's death.

The explanation of the spirit's appearance in a dream can be found very clearly expressed in the words we quote from Dr. Born and according to which "... from experiences in the world of dreams he derived the belief in the soul as a clear explanation of the consciousness of "ego," which is opposed to the destiny of death." According to this, in the dream communication is established between two spirits, between two souls, as Dr. Born says: that of the dead, already definitively free of its human wrapping; and that of the living, momentarily free of its body by the effects of the dream.

766 Burial and children. When the first-born of a Guajiro marriage dies before other children are born, they place it in an urn

4: Petrullo E-5 (1935) 1937
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628 deeds frequently, and fears that he may bring severe disaster
672 on his relatives, he may be killed. It is interesting to know
681 that the individual may not necessarily be evil-intentioned.

We are accustomed to think that for an act of trespass on
672 the person or property the injured party can recover only if the act is considered to have been intentional or negligent.[6] Among the Guajiro there is no such qualification of a tort in order to allow legal action and to recognize legal liability. The act and the injury ensuing from it are the only considerations which have any importance.

Case I: Three boys, A, B, and C, close friends, were seated
628 on a log in the order named. B held a knife in his hand. In
672 the spirit of play A and C attempted to take it away from him.
683 In the good-natured scuffle that ensued A was slashed across the thigh accidentally.

The families of A, the injured party, and of B were on friendly terms. B's family immediately offered payment for the hurt done to A. Each family chose an arbiter, men known for their knowledge of law and their fairness, who granted A's family payment commensurate with the social position of A and the ability of B's family to pay: 60 sheep, 1 bull, 1 ass, a gold necklace, a horse.

Case II: Cacique A killed Cacique B through the accidental
628 discharge of a firearm. Their families belonged to the same
672 casta, and both being anxious to avoid armed conflict B's
● 682 family agreed to accept a property composition for the tort: 100 cows, 100 horses, 7 mules, 1,000 sheep.

Case III: Cacique A killed Cacique B in a quarrel. Both families being desirous of keeping the peace and both being members of the same casta, property composition was arranged.

This case would obviously fall within the class of crimes in our society and A would have been punished irrespective of the attitude of B's family. As a matter of fact, had B's family
554 been less important or had it belonged to the peon or slave
628 class, A's family may not have paid anything. On the other
672 hand had A been a peon or slave, his family would have suf-
682 fered extermination at the hands of B's relatives. A's family

4: Petrullo E-5 (1935) 1937
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could not have paid the price in the first place, and besides B's family would have little to fear from them.

The father and maternal uncle of the slain man take the initiative in seeking payment which goes to the mother's family.

If A and B had been workmen or retainers of C, a cacique, and A's family could not have paid the price of composition, then C would have paid B's family and in compensation would have enslaved A and his family. Payment for killing a peon is 10 asses, 50 to 100 sheep, and 10 steers.

Case IV: A was working for B. In the course of the work through no fault of B, A was hurt. B paid A's family for the injury. A's family took care of A.

Case V: A and B were working for C. Through accident B hurt A. B's family had to settle the injury with A's family. Had A been hurt in the course of the work without B acting as the instrument, then C, the employer, would have had to pay.

This case is similar to the one described by Simons. If A lends a horse to B and B is hurt through the instrumentality of the horse, A has to pay. If A gives rum to B and B injures C, A is held responsible.

Case VI: A wants to marry B. B or B's family reject his suit. A goes to B's rancho at night and commits suicide there. B's family has to pay A's family for the death of A, B being considered as the direct instrument that caused A's death.

Case VII: A injures or kills B, caught *in flagrante delicto* with A's wife. A has to pay B's family a price minus an amount considered fair value for the sexual privilege that B exercised on A's wife.

These illustrations point to the absolute nature of Guajiro law. No extenuating circumstances are allowed to enter into settlement of cases of battery or other trespass on the rights of an individual. The case is different in so far as public sympathy and moral censure or approbation are concerned. Furthermore, society as a whole takes no action in righting wrongs. The family of the injured person must seek composition, and if it is not powerful enough to demand a high price it has to be satisfied with a smaller one. Conversely, there is

5: Simons K-5 (ca. 1882) 1885
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whom to exercise his begging propensities. To murder the dead before the relations is a dreadful offence, often punished by death; for if it happens in the dead person's rancho, with nephew or uncle present, they will generally kill the offender on the spot if possible. If not on the spur of the moment, it resolves itself into a heavy fine, usually two or more cows. Even if none of the dead person's relations are present, any friend can carry the news to the relations, and compensation is at once required. When not given it is forcibly taken, probably resented, and the two castes are at war. It is not wise to mention names of any sort in the Goajira in mixed company. [551] [628] [689]

Another peculiar case: if a child dies in the custody of the mother or father, and they are living separate at the time of its death, then tear-money has to be paid by the one, under whose care the child died, to the other. This is "Taguira cushirua tashin," "My tears on account of my child." To demand payment for debts, ar-ruka, is one thing, and to demand compensation, nanpa, is another. They are generally pretty punctual in paying debts; should the debtor die, the creditor is sure, for the relations will suffer anything rather than allow the name of their dead to be abused. The following case of murder I witnessed in Atalpa. Some Punaloos drinking, one got on to a strange horse, and was ordered off by the owner, on not complying he was shot dead. Both parties being poor and near relations, it was arranged as follows: First payment, eight sheep, two cows, one horse, two necklaces of cornelian beads, two strapes of black beads (about 16 lbs.). Six months afterwards, second payment, similar to first. A few months after a third payment is asked, but is more an extra than anything else. After second payment all animosity ceases, and the two families can look again at each other on meeting. Should an Indian in attempting to kill another be wounded or killed, his family demand the same as though no attempt were made. [672] [682] [424] [434] [628]

Among domestic customs, the one that calls most attention is shutting up their young girls on arriving at womanhood. The custom is religiously carried out throughout the country. Each girl is confined in a separate little hut by herself. She is stripped of all her ornaments, even to her beads and straps, and all her clothing with the exception of the long loose cotton gown, nor is she allowed to cut her hair. For the first couple of days, drinking water is denied her, the only food being kapaspe, a composition of medicinal herbs. According to birth, a rigorous diet is observed the first month, no meat being allowed. She can be freely mentioned and is merely alluded to by her relations as "carlisa sura pasra," "she is shut up in her house." The term of retirement varies according to the wealth and rank of her family. Poor people cannot afford to keep girls idle more than a couple of weeks or a month; whereas the rich confine them for one, two, or even four years. It is while in this state that she learns all women's requirements— [88] [770] [762] [556] [568]

7:Bolinder T-5 (1920, 1955) 1957
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551 idea being that to speak the name renews the grief of the
553 dead person's relatives. An old man of the Uriana clan, who called himself Juan, died. Some time later some of his relatives were at an entertainment, at which too was a woman of the Jusuá clan with her little son. A Creole asked this woman what her little boy was called and without thinking, she replied: 'Juan'. The dead man's relatives then claimed damages because she had mentioned the dead man's name, and she had to pay them a bullock, even though it was a Spanish name. It was the reminder of their grief that had [564] to be compensated. It is also an offence to tread on an Indian's grave.

563 It is more expensive to strike a person than to insult him. One should not answer an insult with a blow, but a well-to-do Indian will not infrequently do so and gladly pay the damages. If an Indian strikes another without hurting him, he must pay nonetheless, because he has treated the other as a slave—it being only one's own slaves that one has the right to strike. If anyone tears a tunic, he must not only 565 replace it, but pay for the shame the other felt at going about in rags.

A thief, if caught, must repay several times the value of what he has stolen. Not infrequently he must pay with his life, especially if the person he has robbed is a powerful personage, as he usually is, and the thief belongs to a weak clan that cannot help his family to exact blood-money.

[567] A thief can be forced to pay by working for his victim. He
572 becomes a debtor-slave. Murder, manslaughter and being the cause of another's death are the most serious crimes. They do not have these actual categories. The penalty for manslaughter is very heavy; if agreement cannot be reached on it, it can sometimes lead to war, a war in which the enemy must either be exterminated or enslaved.

574 It is on such occasions that a *purchi* is held, at which you can see the groups of warriors drawn up facing each other, while a chief presides.

570 The chief is a mighty person and will have been chosen
573 for his excellent qualities, yet he is not a judge, but rather advocate and mediator. His role is as conciliator. He will

7:Bolinder T-5 (1920, 1955) 1957
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already have talked with both parties and know their points of view. One can imagine what takes place. The killer's family wishing an amicable settlement: 'It is best that we do not begin a war, brothers,' says their leader. He offers reasonable compensation, paints a picture of the horrors of war, the continual fear of attack, the burning houses, the women violated and enslaved, the blood-feud continuing from generation to generation, and, by way of contrast, describes the calm of peaceful work.

The other side are spoiling for a fight. 'I am rich and need no damages. My men are brave and prepared for a fight. I wish that we measure our strength.'

If a settlement is not arrived at, a fresh meeting is arranged, and meanwhile there is a state of latent war. Even if a fine is agreed upon, peace is not restored until the fine has actually been paid. This is probably done in stages, and that is why the Creoles say that the Indians can kill each other on the instalment system.

To bring about another's death, whether intentionally or unintentionally, has grave consequences for the person responsible. The fine that has to be paid is often ruinous. The homicide becomes indebted to his relatives who have to help him pay. Also, for magical reasons, he has to submit to a lengthy period of isolation and to certain restrictions which prevent him attending to his affairs and make him endure certain privations.

If a white man has killed an Indian, he should try to get to safety outside the peninsula, because even if he pays a fine for manslaughter, the Indians will seek his life. Three white men must die for each Indian killed, according to the old rule. They long insisted on regarding all white people as being of the one clan, though nowadays they know that they are split up into different peoples. They would now never dare extend vengeance for an injury inflicted by a native mulatto to, say, a fair-haired foreigner from the north.

The foregoing are but a few points of Guajiro law which is really much more complicated than these would make it appear. The law ought really to be the same for all, but

7:Bolinder T-5 (1920, 1955) 1957
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761 would be able to live to all intents and purposes for ever.
776 The Guajiro word for illness, [illegible], is the same as that for the spirit of death, and actually means 'he within us'. As so often happens, they make no distinction between the spirits of the dead and other spirits.

775 The spirits of suicides are especially feared. As a safety
762 measure the rope and tree used are burned, since death still clings to them and is infectious. Round the scene of the suicide the dead man's ghost wanders head down, sometimes pursuing passers-by in the shape of a flame. Everybody avoids such places. It sometimes happens that Indians, both children and grown-ups, say that they have met dead relatives in human guise, but dumb. Such encounters bring misfortune. If a Guajiro Indian moves outside the peninsula, he will after death rest on the burial place of his fathers. After death he has a long journey ahead of him, and if he is to reach the realm of the dead he ought to start out from the burial place of his own people. Besides, and this perhaps is the most important point of all, the ritual prescribed in Guajira has to be observed.

775 The spirit of a murdered person follows his slayer every-
682 where and attacks him if he falls ill or becomes weak, appearing in the hallucinations of fever. Its presence also constitutes a danger to the murderer's children. It can also appear in the form of a flame or of an animal, for example a bird. As I have already said, the house in which someone has been murdered is abandoned immediately, for the angry spirit of the dead man can appear there at any time.

To protect himself the slayer must submit to severe restrictions, which are prescribed by his maternal aunts and the elder women and which he follows in his own interest. He hides in the wilds, has nothing but maize gruel and water. He ought not to speak or have anything to do with anyone, and must be ever ready with weapons in his hand. An enemy may appear. The slayer cuts off his hair, wears a very short black cloak and must sleep on the ground with his face downwards and hidden, never on his back, otherwise the spirit of the man he killed could sit on his chest. It is best if he can sleep little and seldom, and have a dog with

7:Bollnder T-5 (1920, 1955) 1957
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him that can give the alarm. For a long time he has to refrain from all association with his friends and keep away from feasts. In the end, if agreement on compensation is not reached with the dead man's family, he will have to leave the district for a period of years. This precaution is to protect the slayer from the spirit of the man he killed, which would look for him in his normal haunts and would not recognize him under the new conditions, but it is also a protection against the dead man's nearest relatives, who will thirst for vengeance as long as compensation has not been agreed and paid.

We mounted and rode away from our first burial feast. On the fringe of the area stood six Indians armed, some with guns, others with bows and arrows. Their task was to shoot after all departing guests in order to scare off any dangerous spirits that might be intending to keep them company. Here, a deputy-host presented us with a live heifer. Every guest was to have a present of an animal according to his rank. We also had the meat that had been distributed that morning. It was considered quite all right either to eat it or to take it to eat on the way home. Several others were doing as we and there was a long line of departing guests, the men on horseback, the women mostly on donkeys. We all kept together for quite a distance.

Spirits rose as the heat increased, for drink had been handed out along with the meat, the Indians believing, as did the Creoles, that spirits were the best protection against the dangers of the hot sun.

A young Indian rode up to us. He wore a cloak with a beautiful pattern and was mounted on a splendid mare, which showed that he was of well-to-do family. He was in a bad mood, however, having been forgotten in the distribution of parting gifts and had not been given even a sheep. For that reason he was highly incensed with his neglectful hosts, whom he obviously scarcely knew.

We rode past an old man on foot dragging a calf behind him. The old man was obviously sober, but he kept muttering imprecations to himself. He too had been forgotten.

8:Armstrong & Métraux E-4 (no date) 1948
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the other. Many other cases indicate the absolute nature of *Goajiro* law 672
and the refusal to recognize extenuating circumstances.

Murder is a very serious crime, and the victim's family immediately 612 ●
demands blood money to the amount of 200 or more cattle. For failure 628
to pay, a member of the murderer's sib of the same rank as the victim
must forfeit his life. If payment is not forthcoming retaliatory raids are
made. As the defenders generally lose more people than the attackers,
the feud may continue indefinitely until all the members of one sib will
consider themselves at war with the members of the other, thereby spread-
ing the war throughout the peninsula. If a feud should develop between
the sib of the husband and that of the wife, the latter, with her children,
will return to her own group until the trouble is over.

A person who has received a deadly insult from another is baited and 633
chided until he takes revenge by killing the offender, in proof of which
he removes the victim's viscera and takes them home. This act also
prevents the victim's soul from bothering him. If unable to accomplish
this he may commit suicide. Suicide is also sometimes a means of venge- 762
ance, a person feeling that he will suffer less than those who caused him
to commit the act. Thus a wife who is not allowed enough freedom may
hang herself.

Next to murder, one of the most serious offenses is to mention a per- 669
son's true name (given at birth?) or to mention a person's name after
his death. This has caused many tribal conflicts.

The value of the compensation demanded in disputes varies directly 631
with the social rank of the offended party. In some cases a repeated 565
offender may be killed by his own sib members. Sometimes, rather than 728
to continue the warfare, hostile sibs may confer under the auspices of an
outsider, such as a Capuchin monk, and draw up peace terms. In per-
sonal quarrels or minor brawls women often step in and enforce peace.

WARFARE

Wars between the *Goajiro* and outsiders are rare, but any White man 721
may be held liable for the offense done by another, as all Whites are thought 699
to belong to the same sib. Sometimes the few civilized people living in
the peninsula take vengeance on the Indians, which leads to further re-
prisals by the latter.

At the time of De la Rosa, war was declared by sending to the other 721
tribe an ambassador who, in a public speech, asked indemnities for damage
previously done. If these were not conceded war was declared, but a
brief truce was observed in order that preparations might be made. In
battle each group of opposing warriors formed a semicircle and tried to
surround and destroy the other. In individual encounters a *Goajiro* rode 726
out on a horse, but, upon seeing the enemy, he dismounted and shot his
own horse with an arrow to show his confidence and willingness to fight